## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION No. 7:15-CR-46-1H

No. 7:15-CR-46-16 No. 7:17-CV-60-H

ANTHONY	TAYLOR,	)	
	Petitioner,	)	· .
		)	
v.		)	
UNITED :	STATES OF AMERICA,	)	ORDER
	Respondent.	)	

This matter is before the court on petitioner's motion to withdraw his section 2255 action without prejudice as prematurely filed.

On April 13, 2016, judgment was rendered in petitioner's criminal case, and judgment was entered on the docket on April 20, 2016. Subsequently, petitioner filed a notice of appeal with the Fourth Circuit on April 21, 2016. While that appeal was still pending, petitioner filed the instant 2255 motion. The appeal is still pending presently, so the judgment is not yet final.

Therefore, petitioner's motion to withdraw his section 2255 motion is granted and the motion is hereby DISMISSED WITHOUT PREJUDICE. Petitioner's motion to appoint counsel [DE #297] is

denied as moot. This 17 day of May 2017.

United States District Judge

At Greenville, NC #26